

REMARKS

Claims 1, 2, 4-7, 13, and 17 are pending in the present application, with claims 3, 8-12, 14-16, and 18-28 having been cancelled by the previous response and claims 29-31 being newly presented for examination by this Amendment. Claims 1, 2, 4-7, 13, and 17 currently stand rejected, and each of these claims has been amended. Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks.

Previously Cancelled Claims 21-28

In the pending official Action, the Examiner has indicated that claims 21-28 are pending and rejected for various reasons. Claims 21-28 were cancelled in Applicants' Reply to Restriction Requirement dated November 21, 2007. Thus, the following remarks do not address the rejection of these claims. By failing to address the Examiner's rejections, Applicants do not acquiesce to the Examiner's interpretation of the reference in support of the various rejections.

Claim Rejections – 35 U.S.C. § 101

Claims 1-7 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner rejects the claims for lacking any indication that the function is imparted by data structures on a "computer-readable medium." Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, Applicants initially note that the claim, and all claims depending therefrom, have been amended to recite a "computer-readable medium" that stores the data structure imparting the managerial function recited in the claim. Thus, In the language of MPEP §2106.01, claim 1 is directed to a claimed computer-readable medium storing a data structure

defining structural and functional interrelationships between the storing areas, management information, and the computer software and hardware components which permit the management to be realized, and is thus statutory.

Because claim 1 as amended recites functional descriptive material stored on a computer-readable medium, the claim recites statutory subject matter. Claims 2 and 4-7 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 1, 2, and 4-7 under 35 U.S.C. § 101 is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7 and 21-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat 6,067,400 to Saeki et al. (“Saeki”). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, the Examiner alleges that Saeki teaches each and every element of this claim, including navigation information in a second storage area that includes “control information to indicate whether resumption of reproduction of video data is permitted or prohibited.” Applicants respectfully submit that Saeki teaches DSI information *enabling* resumption of reproduction after various events, such as a user pressing the “menu” key, by including start positions for resumption. *See* Col. 12, ll. 48-54. Saeki does not include control information that indicates whether reproduction is *allowed* as recited in the claims. That is, the user in Saeki will always be permitted and able to reproduce video data after interruption due to the DSI information; however, the user of the computer-readable medium recited in the current claims may not necessarily be permitted or able to reproduce video data due to the recited control information. Thus, Saeki does not teach at least this element of claim 1.

Because Saeki does not teach each and every element of claim 1, Saeki cannot be properly used to anticipate or render obvious claim 1. Claims 2 and 4-7 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 1, 2, and 4-7 under 35 U.S.C. § 102(B) is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saeki in view of US Pat 5,923,869 to Kashiwagi et al. (“Kashiwagi”). Applicants respectfully traverse this rejection for the reasons detailed below.

The method of claim 13 and the apparatus of claim 17 recite a similar unique feature to that recited in claim 1, namely, control data indicating whether resuming reproduction is permitted, that is not taught by Saeki. Kashiwagi does not teach or suggest, nor does the Examiner so apply Kashiwagi for teaching or suggesting, this feature in claims 13 and 17. Because Saeki, alone or in combination with Kashiwagi, fails to teach or suggest each and every element of claims 13 and 17, these references cannot anticipate or render obvious, either alone or in combination, claims 13 and 17. Withdrawal of the rejection under 35 U.S.C. § 103(a) to claims 13 and 17 is respectfully requested.

New Claims

Claims 29-31 are newly presented for examination by this Amendment. Applicants respectfully submit that claims 29-31 are allowable at least for depending from an allowable base claim 1, 13, or 17, in light of the above remarks regarding these claims. Consideration and allowance of new claims 29-31 are respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 2, 4-7, 13, 17, and 29-31 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Terry L. Clark at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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